

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Patent Application of:)	
FLICK)	
)	
Serial No. 10/085,403)	
)	Examiner: M. BROOKS
Confirmation No. 6809)	
)	Art Unit: 3629
Filing Date: FEBRUARY 28, 2002)	
)	Attorney Docket No.:
For: METHOD AND SYSTEM OF PROVIDING)	58122
A CUSTOMER-SELECTED REMOTE)	
CONTROL FEATURE PACKAGE IN A)	
VEHICLE)	
)	

APPELLANT'S REPLY BRIEF

MS Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Herewith is Appellant's Reply Brief that is submitted in reply to the Examiner's Answer to Appellant's Appeal Brief. If any additional extensions and/or fees are required, authorization is given to charge Deposit Account No. **01-0484**.

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I. The Are No Related Appeals, Interferences, or Judicial Proceedings As Defined By 37 C.F.R. §41.37(c) (1) (ii)

In page 2 of the Examiner's Answer of May 15, 2008, the Examiner contended that there are "judicial proceedings, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal." The Examiner also contended that there are "multiple lawsuits in relation to the technologies claimed in the present application (see attached). There it states that 'AST will license Omegas [sic] patents to produce and distribute certain *remote control products*.'" (Emphasis in original).

The relevant rule recites:

[a] statement identifying by application, patent, appeal or interference number all other prior and pending appeals, interferences or judicial proceedings known to appellant, the appellant's legal representative, or assignee which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal. Copies of any decisions rendered by a court or the Board in any proceeding identified under this paragraph must be included in an appendix as required by paragraph (c) (1) (x) of this section.
37 C.F.R. §41.37(c) (1) (ii).

The United States Patent and Trademark Office has issued 119 patents that list Appellant as an inventor. Appellant notes that none of the issued patents are within the same art class of the present application, U.S. Classification 705/1.

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Indeed, each of the allegedly related proceedings cited to by the Examiner relate to wholly different technologies that are unrelated to and have no bearing to the present application's appeal. Accordingly, Appellant submits that there are no pending appeals, interferences, or judicial proceedings that may be related to, directly affect or be directly affected by or have a bearing on the Board of Patent Appeals and Interferences' (Board) decision in the pending appeal of the present application.

II. Appellant's Reply To Examiner's Response to Argument

In page 10 of the Examiner's Answer, the Examiner contended that Appellant admitted that Treyz et al. discloses "the ability to remote order." Page 10 of Examiner's Answer. Appellant submits that the Examiner is mischaracterizing Appellant's Appeal Brief, which recited: "Treyz et al. discloses the ability to remotely subscribe to digital audio satellite radio services, (Col. 22, lines 20-34), and the ability to remotely purchase products separate from the car, (Col. 57, line 60 through Col. 58, line 10)." Page 9 of Appeal Brief, (Emphasis added). Appellant vigorously submits that the applied prior art reference of Treyz et al. **fails** to disclose wirelessly enabling the customer-selected remote control feature package for the universal remote control device, as recited in independent Claims 1, 16, and 27.

Accordingly, Appellant submits that independent Claims 1, 16, and 27 are patentable over Treyz et al. Their respective

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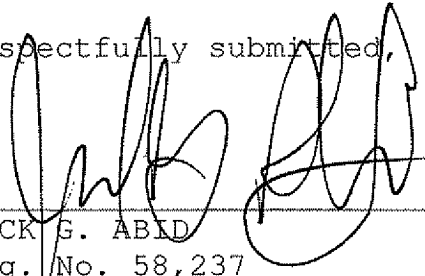
dependent claims, which recite yet further distinguishing features, are also patentable, and require no further discussion herein.

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III. Conclusion

In view of Appellant's Appeal Brief and the foregoing arguments, it is submitted that all of the claims are patentable over the prior art. Accordingly, the Board of Patent Appeals and Interferences is respectfully requested to reverse the earlier unfavorable decision by the Examiner.

Respectfully submitted,



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